

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(NORTHERN DIVISION)**

**DAVID GERBEN, et al.**

Plaintiffs,

v.

Civil Action No.: 1:17-cv-01346-GLR

**O.T. NEIGHOFF & SONS, INC., et al.**

Defendants.

**JOINT MOTION FOR JUDICIAL APPROVAL OF SETTLEMENT**

Plaintiffs, David Gerben, Sheila Tate and Darrell Delaney and Defendants, O.T. Neighoff & Sons, Inc., and Kenneth D. Neighoff ( hereinafter, collectively referred to as “the Parties”), file this Joint Motion for Judicial Approval of Settlement in the above-captioned action. For the reasons set forth in the accompanying Memorandum of Law, the Parties respectfully request that this Honorable Court approve the Settlement Agreement that the Parties have reached concerning the three Plaintiffs’ claims in this action. Those claims arise under the Fair Labor Standards Act 29 U.S.C. § 201, *et seq.* (hereinafter, “FLSA”), the Maryland Wage and Hour Law, Md. Code Ann., Lab. and Empl. §§ 3-401 *et seq.* (MWHL) and the Maryland Wage Payment and Collection Law, Md. Code Ann., Lab. & Empl. §§ 3-501, *et seq.* (MWPCCL). The Parties seek Court approval of the settlement because claims under the FLSA, like those released by the Plaintiffs in the Settlement Agreement that all Parties have entered into, may not be waived or released without U.S. Department of Labor or Court approval.

Respectfully Submitted,

/s/ George E. Swegman

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Date: November 20, 2018

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